

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
EASTERN DIVISION

DAMEION BUCKLEY,)	
)	
Plaintiff,)	
)	
v.)	Case No. 1:23-cv-01145-JDB-jay
)	
ANGELA SCOTT,)	
)	
Defendant.)	

ORDER ADOPTING REPORT AND RECOMMENDATION AND DISMISSING CASE

Before the Court is the complaint filed by Plaintiff, Dameion Buckley, proceeding pro se. By Administrative Order, this matter was referred to the United State magistrate judge for management of all pretrial matters and for determination and/or report and recommendation. Admin. Order 2013-05. Magistrate Judge Jon A. York conducted a screening review of the complaint under 28 U.S.C. § 1915(e)(2)(B) because Plaintiff is proceeding in forma pauperis. After reviewing the allegations, Judge York recommended dismissal. (Docket Entry 12 at PageID 120.) At the end of the Report and Recommendation, the Magistrate Judge notified Buckley that, if he disagreed with the recommendation, he was required to file an objection within 14 days.¹ (*Id.*) Judge York added that “failure to file [an objection] within fourteen (14) days may constitute a waiver and/or forfeiture of objections, exceptions, and any further appeal.” (*Id.*) (emphasis omitted).

¹ Although the Magistrate Judge indicated that Plaintiff was required to object within 14 days, he actually possessed 17 days from the date on which the Clerk’s office mailed him a copy of the report and recommendation. *See* Fed. R. Civ. P. 6(d). The distinction is immaterial here, however, because Buckley neglected to raise an objection under either deadline; as such, Plaintiff suffered no prejudice from inclusion of the incorrect deadline on the report and recommendation.

Plaintiff has not objected to the Magistrate Judge's report and recommendation and the time for doing so has expired. Buckley, consequently, has forfeited his objections to the report and recommendation. *See Berkshire v. Dahl*, 928 F.3d 520, 530 (6th Cir. 2019) (quoting *Kensu v. Haigh*, 87 F.3d 172, 176 (6th Cir. 1996)). Accordingly, upon review of the record, the report and recommendation is ADOPTED and the action is DISMISSED with prejudice.

IT IS SO ORDERED this 18th day of June 2024.

s/ J. DANIEL BREEN
UNITED STATES DISTRICT JUDGE